United Nations A/HRC/WG.6/21/GRD/1

General Assembly

Distr.: General
26 January 2015

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-first session
19–30 January 2015

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Grenada

* The *present document has been reproduced* as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

GE.15-01014
1501014

Please recycle

Contents

		Paragraphs	*Page*
I.	Overview	1–3	3
II.	Methodology	4	3
III.	Developments since the first review	5–22	3
IV.	Achievements in implementation of accepted recommendations	23–48	6
	A. International human rights instruments and mechanisms	23–27	6
	B. National legislation, policies, programmes and institutions	28	6
	C. Sectoral legislation policies, programmes and institutions	29–38	7
	D. Specific groups	39–48	9
V.	Challenges and constraints in the implementation of recommendations and initiatives that the State has undertaken to overcome those challenges and constraints	49–50	11
VI.	Technical assistance needed	51–59	12
VII.	Conclusion	60–62	13

I. Overview

1. Grenada is pleased to present its report to the 2nd Universal Periodic Review and to give account of the status of the implementation of the recommendations made during its first review in May 2010.

2. Grenada reiterates its commitment to the guiding principle of human rights as enshrined in its Constitution and pledges continued support to the strengthening of the human rights mechanisms.

3. While Grenada did not accept all of the recommendations made during the first review, Grenada continues towards achieving the commitments made to the UNHRC in 2010.

II. Methodology

4. This report was prepared in accordance with the general guidelines for the Preparation of Information under the Universal Periodic Review (HRC Decision 17/119 of June 2011). It was compiled by the Ministry of Foreign Affairs in its capacity as chair of the National Coordination Committee for Human Rights in consultation with the Ministries of Education and Human Resource Development; Youth, Sports and Religious Affairs; Social Development and Housing; Legal Affairs; Health and Social Security; The Royal Grenada Police Force and Her Majesty's Prisons. Consultations were also held with a number of stakeholders and civil society organizations including the Grenada Human Rights Organization. It describes Grenada's progress since the first review in 2010 regarding the fulfill:nent of its human rights commitment and international obligations.

III. Developments since the first review

Advances made in legislative reform

Constitutional review

5. The state of Grenada is undergoing its fourth attempts at constitution reform since receiving independence from Britain. First phase, the establishment of a Constitutional Review Commission chaired by Sir Fred Philip (1985); The Second Phase, Constitutional Review Commission chaired by Dr Nicholas Liverpool in the first instance then by Mr. Justice Lyle Paul (2002–2006); The Third Phase, consultations on a new draft constitution authored by Prof. Randy McIntosh (2010–2013) and the Fourth, Establishment of a Constitution Reform Advisory Committee (CRAC) (2014-present).

6. The Out of the more recent iteration of this exercise, as specifically indicated at (4); a number of proposals for areas of constitutional reform have been made by the Constitution Reform Advisory Committee to the cabinet of Grenada. These proposals range from the establishment of the Caribbean Court of Justice (CCJ) as the final appellate court for Grenada, to explicitly incorporating the principle of gender equality into the Constitution, and broadening the concept of discrimination to include age, place of birth, ethnicity, religion, social class, disability and language.

7. Some of the proposed changes to the Constitution, specifically as they relate to gender equality, discrimination and the equal treatment of all children are directly responsive to the most recent Concluding Observations issued by the CEDAW and CRC

treaty body committees and to recommendations that came out of Grenada's 2010 Universal Periodic Review. A number of other proposed changes, relating to the rights of persons with disabilities and to economic, social and cultural rights, shows a commitment on the part of the Government of Grenada to incorporate the principles underlying major international human rights treaties into domestic law.

8. The proposals for reform also include a new chapter titled directive principles of state policy which captures the following:

18A The state has a duty to protect the natural resources of the state.

18B The state has a duty to protect and preserve the environment; and not let it suffer degradation.

18C The people have a right to a healthy wholesome environment.

18D Subject to the resources in and available to the state, the people have a right to:

- Adequate nourishing food: the people have the right to food which is safe, nutritious, and ecologically, socially, economically and culturally appropriate; and to food producing resources and the ability to sustain themselves and their society;
- Potable water which is affordable and whose supply is constant and reliable;
- Good primary and secondary health facilities.

9. The constitution reform process is being led by a broad based 14 member committee, the objectives of the committee are:

(a) To 'continue the consultative process of Constitution Reform leading ultimately to a Referendum on the Grenada Constitution';1 to ensure that 'further consultations be concluded within nine months to one year'.

(b) To provide oversight to the process of Constitution Reform so as to ensure that the process is transparent and credible, creating the atmosphere of consensus.

(c) To advise the Government on Constitution Reform.

10. To this end, the Government of Grenada has agreed to hold a referendum on constitution reform later this year. Every Grenadian eligible to vote in general elections will have the opportunity to vote in this referendum. The threshold for success in the referendum is high, two thirds of the voters in the referendum must vote in favour of the referendum. The government of Grenada is therefore in the process of seeking international support for the public education effort and for the referendum itself.

Other legislative r eforms

11. Grenada continues to ensure legislative and policy reform and has advanced the OECS Model Family Laws by having passed three laws in the Houses of Parliament.

12. **A new Domestic Violence Act (2010)** replaced the Domestic Violence Act 2001 to provide a civil remedy that would emphasize safety and protection as opposed to arrest and punishment.

13. **Child Protection Act (2010)** replaced the Child Protection Act 2001 and offers protection for children who are exposed to abuse.

14. **Education (Amendment Act 2012** grants Authority to the Ministry of Education to immediately suspend the services of a teacher who is reported to have committed any act of sexual abuse against a minor who is in his or her school.

15. **Amendments to the Criminal code of 1990 passed in 2012:** Sexual abuse to minors under age 16 now included boys; removal of statute of limitation in regard to reporting incidents of sexual intercourse with minors. Previously it was required to be reported no more than 3 months after the alleged incident; the Amendment has removed time limitation. Removal of the "honest belief" defense for defendants above the age of nineteen who are charged with sexual intercourse with a minor. The honest belief provision has allowed any defendant to claim that he had reason to believe that the child was above the age of consent at the time of the incident, increased penalties for sexual offences for example crimes of rape and sexual intercourse with a minor carry a penalty of 30 years in prison, a move from 15 years.

16. Legislation to prevent the traffic in women and girls contained in Sections 188 and 190 of the criminal code. The code also makes provision for forced prostitution.

17. Sexual harassment is not yet punishable by law; however a draft bill for an Act against sexual harassment has been developed. The Ministry of Labour has developed draft amendments to the Labour Code and it is recommended that sexual harassment be included within that amendment to be brought to Parliament in 2015.

Advances made in policies, protocols and standard operating procedures

18. The National Domestic Violence and Sexual Abuse Protocol (2011) provide guidelines to responders in their interventions to address incidents and manage cases of Domestic and Sexual Violence. The sectors identified to form the coordinated and integrated response mechanism are the law enforcement, health care, social service, and legal service sectors as key responders to deal with domestic violence and sexual abuse. The Protocol also identifies the role of the Ombudsman in the process of holding agents of the State, as duty-bearers, accountable. In demonstrating the significance placed on this Protocol, the Ministers for each of the sectors, including the Prime Minister as Minister for National Security and Legal Affairs, publicly signed the Protocol into force on May 16, 2011.

19. To further strengthen implementation, Standard Operating Procedures for the Ministry of Social Development and for the Health Sector have been developed and approved. They will be launched and implemented in 2015.

20. A National Strategic Action Plan to Reduce Gender-Based Violence has been drafted. The key elements of the plan were approved by Cabinet.

21. Grenada is currently engaged in a UNTF Project entitled, "State Response to End Violence against Women: Legislative and Policy Reform Implementation Programme": The goal of this 3-year project is that "Women and girls in Grenada have improved access to comprehensive systematic services that are embodied in the laws and protocols on gender-based violence." The project ends in January 2015; therefore, we are at the stage of finalising a few activities and evaluating the implementation and results.

22. The Juvenile Justice Act has been passed in Parliament, but is not yet in force. The age of criminal responsibility in this Act has been is 12, as in the amendments to the Criminal Code.

IV. Achievements in implementation of accepted recommendations

A. International human rights instruments and mechanisms

Ratification of International Human Rights Instruments and Mechanisms 71.01, 71.02, 71.03, 71.04, 71.05, 71.06, 71.07, 71.08, 71.09, 71.10, 71.11, 71.12, 71.14, 71.18, 71.40

23. Grenada has since ratified the following conventions:

(a) Ratified International Convention on the Elimination of All Forms of Racial Discrimination May 2013;

(b) The Convention on the Rights of Persons with Disabilities August 2014;

(c) CRC-OP-AC- Optional Protocol to the Convention on the Rights of the child on the involvement in armed conflict 06 February, 2012;

(d) CRC-OP-SC Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography 06 February, 2012.

24. Grenada continues to work towards the ratification of Conventions with human rights implications.

Harmonization of National Law with International Law 71.15, 71.16, 71.17

25. Grenada continues to work on the review of its domestic framework in an attempt to harmonize it with international norms. Presently, Grenada is undergoing constitutional review.

Obligations to treaty Bodies 71.92, 71.19, 71.20, 71.21, 71.22

26. Grenada is making the necessary efforts to complete and submit outstanding reports. A proposal for technical assistance is being reviewed in an effort to fulfill Grenada's reporting obligations under the respective human rights instruments to which it is a party.

Establish an effective and inclusive process to follow up on Universal Periodic Review recommendations 71.28

27. Grenada has recently established a National Coordination Committee for Human Rights which is responsible for leading the process of implementation and follow up of the Universal Periodic Review. The Committee comprises of the following;- Government Ministries and Departments, Foreign Affairs, Legal Affairs, Education, Finance and Planning, Health, Youth, Labour, Social Development, Royal Grenada Police Force, Her Majesty's Prisons, Office of the Ombudsman, Civil Society, Grenada Bar Association, Trade Unions, Non-government Organizations (NGO's) and Conference of Churches. The Ministry of Foreign Affairs has been designated the lead agency in this process.

B. National legislation, policies programmes and institutions

National Human Rights Institutions (NHRI) 71.29, 71.30, 71.31, 71.32, 71.33, 71.34, 71.35,

28. Grenada currently does not have a National Human Rights Institution. However discussions are ongoing regarding the feasibility of expanding the scope of the Office of the

Ombudsman to incorporate issues of a human rights nature or the establishment of a National Human Rights Institution.

C. Sectroral legislation policies, programmes and institutions

Civil and political rights

Life/Death Penalty 71.38, 71.39, 71.41, 71.42, 71.43, 71.44, 71.45, 71.46, 71.47, 71.48

29. Grenada informs the Working Group that although the death penalty is on the books, there currently exists, a de facto Moratorium on executions and the application of the death penalty which has been in place since 1978.

Security 71.49

30. Security of its citizens and visitors alike continue to be one of the top priorities of the Government of Grenada. In this regard, the government has authored and implemented the following measures aimed at crime prevention and reduction:

(a) National Crime Reduction Strategy established in 2006 to address issues of Community Policing, Neighbourhood Watch, Farm Watch, Citizenry Advisory Boards, Predial Larceny Task Force, Tourism Task Force.

(b) Electronic Crimes Act 23 of 2013 to provide for the punishment of electronic crimes and related matters. The Act will enter into force by Order Published in the Government Gazette.

(c) Institution of rehabilitative programmes in the prison, including counseling, conflict resolution workshops, drug rehabilitation, religious education, education and life skill programme and outreach programmes.

Liberty/Conditions of detention 71.50, 71.51, 71.52, 71.53

31. Grenada currently has one prison facility located in Richmond in St. George. It was built to accommodate 250 inmates, but currently houses in excess of 400 inmates. The government is cognizant of the challenges associated with the inadequate accommodation at the prisons and has been seeking alternative measures for restitution recognizing that all crimes do not warrant prison sentences.

Economic social and cultural rights

Education 71.87

32. Education in Grenada is guided by considerations for the individual and for society and is set within personal, national, regional and international contexts. The basic premise on which education policy is based is that every individual has the right to access to education for lifelong learning. Although the knowledge, skills, attitudes and values to be gained through a well-rounded education are themselves reason enough for the pursuit of learning, this philosophy celebrates education as a process necessary to affirm the ideal of human dignity. In this regard the Ministry of Education in continues to strengthen its education policy and has undertaken the following measures/initiatives:

(a) Development of a National Action Plan for the improvement of Literacy, Numeracy and focus on Technical skills to encourage higher academic performance.

(b) Establishment of Schools' Development plans to be in line with the Ministry's own Development Plan and to focus on Literacy and Numeracy.

(c) Introduction of Literacy Coordinators at the secondary level to focus on Literacy improvement, planning, delivery and diagnosis of students with literacy deficiencies.

(d) Increased supervision and monitoring of teachers' planning and lesson delivery in the classroom, to ensure efficiency and effectiveness of doing same.

(e) Increased opportunity for formal teacher training via T.A. Marryshow Community College- Teacher Education Department – with a view to improve student academic performance.

(f) Increased opportunities to access tertiary education via scholarships.

(g) Reinforcing the Adult Literacy and Continuing Education Unit by the establishment of additional human resource.

(h) The Support for Education Empowerment and Development (SEED) programme in collaboration with the Ministry of Social Development, allows for students to access their schooling (making lunch, transportation, books and uniform available to them, in order for them to take advantage of schooling).

(i) Establishment of a Student Support Services Unit within the Ministry of Education, supporting students and their needs.

(j) School counsellors provide guidance and counseling services to students (addressing their emotional and social needs) Schools have counselors available and the larger populated schools have two or three counsellors in house.

(k) School Attendance Officers, of the Ministry of Education, monitor students' school attendance; they also attend to their needs, especially such needs as transportation cost to school, meals, etc. that may pose a challenge to daily attendance at school- thus decreasing the number of student drop-outs and absenteeism.

(l) Encouraging and motivating students to read more by making books accessible to students through the establishment of reading programs; School libraries and "Reading Rooms" on school compounds, via public/private partnership e.g. Hands Across the Sea & Rainforest of Reading.

33. A child's right to education and job training is one of the proposed changes under the Constitutional Review. The proposals suggests "that women are entitled to equality with men especially as regards opportunities for education, job-training, job-promotion; and equal pay for equal work.

Health recommendations 71.88, 71.89, 71.90

34. With regards to health policies on maternal and infant mortality Grenada has a implemented, reviewed and updated Protocol for Detection Prevention and Treatment of Iron Deficiency Anemia in Children from birth to five (5) years old in Grenada (April 2012).

35. Grenada continues to expand it programme on immunization which was started in 2009.

36. The Ministry of Health has developed a Sexual and Reproductive Health Policy and Strategic Plan (2013) targeting citizens especially those of reproductive age.

37. Additionally the government has also developed a Draft Adolescent Health Policy (2013) which will also be incorporated in schools.

38. Further, since the 2010 UPR, the Government of Grenada through the Ministry of Health has conducted and is conducting the following training sessions for health practitioners:

(a) Training/Workshops for nurses on high risk pregnancies.

(b) Training on monitoring infant growth and development for nurses and other health care providers.

(c) Introduction on the new WHO Growth Standards.

(d) Promotion of early antenatal booking.

(e) Promotion of attendance to the six (6) weeks postnatal clinics.

(f) Training of health care professionals on the Anaemia Protocol.

(g) Training on the Perinatal Information System (SIP).

(h) Promotion of exclusive breastfeeding.

(i) Assessment of the Special Care Unit for sick and high risk neonates.

D. Specific groups

Women and Girls' Rights

Recommendations 71.36, 71.37, 71.72, 71.75, 71.76, 71.77, 71.78

39. Grenada continues to make strides in the elimination of discrimination against women, especially in the work place. The following are policy initiatives of the government in this regard:

(a) A sexual harassment policy has been instituted by the Royal Grenada Police Force.

(b) Removal of gender specific titles for jobs in the Minimum Wages Order (2011), such as changing barman to bartender.

(c) Removal of difference in said minimum wage for agricultural workers based on sex.

(d) Established the post of Gender Analyst in the National GENDER Machinery (Division of Gender and Family Affairs in the Ministry of Social Development) position was filled in 2013.

(e) Conducted training for senior technical staff of the Ministry of Social Development and other selected Ministries on Gender Awareness Policy Formulation.

(f) Conducted a gender analysis as part of the National Gender Equality Policy and Action Plan (GEPAP). GEPAP was approved by Cabinet for implementation from 2014–2024.

Violence AGAINST Woman (VAW) 71.72

(g) Passed the Domestic Violence Act which requires Police Officers to respond to and record every report of domestic violence. The Domestic Violence and Sexual Abuse Protocol states that mandatory charging practices once there is "reasonable cause to believe that an offence has been committed".

(h) Criminal Code amended- removal of the statute of limitation for sexual offences where it existed and reinforced mandatory reporting of sexual offences against a minor by parents and/or guardians.

(i) Strategies implemented to address the issue of VAW include promoting healthy relationships and confronting myths, beliefs and practices. Activities are ongoing for public sensitization and education through community outreach, distribution of information material and use of media. In addition, presentations and discussion sessions have been held with:

- Faith based organizations
- Secondary and Primary School students
- Community and Sport Groups
    - Parents attending parenting programmes at health centres, parent teacher association meetings and communities
    - men "on the block" and in clubs.

Domestic violence recommendations 71.75, 71.76, 71.77, 71.78

(j) Legislative Reform. Domestic Violence Act of 2010 is now in force.

(k) Establishment of Protocols and Standard Operating Procedure.

(l) Provision of Services.

(m) Prevention of violence against women.

(n) Conducted training for police officers; teachers and school guidance counsellors, social services providers; service providers and advocates from the NGO community; court clerks and legal secretaries, nurses and doctors on the laws and protocols related to gender based violence.

(o) Intensive training will be conducted for selected Police Officers and Social Service providers to form a Family Violence Unit (investigative Task Force) to respond to domestic violence, sexual abuse and child abuse (in 2015).

Rights of the Child, 71.70, 71.58, 71.65, 71.66, 71.67, 71.68, 71.69, 71.69, 71.63, 71.64, 71.71, 71.73

40. Government has passed the Child (Protection and Adoption) Act which contains mandatory reporting of child abuse by identified professionals. The Act entered into force in 2011.

Corporal punishment

41. Grenada is cognisant of the call for the total abolition of corporal punishment. Currently there exists a pilot project in several schools called the "Child Friendly Schools Programme" which facilitates the use of positive behavior management strategies, thereby removing the need for the use of corporal punishment. The feedback from this project has been positive and it is the intention of the Ministry of Education to extend the programme to all of the schools in Grenada.

Juvenile justice recommendations 71.54, 71.55, 71.56

42. Grenada has made significant progress in the legislative reform critical to the national juvenile justice platform, as well as to the overall agenda to ensure the care and protection of its nation's children and young people. Pursuant to the OECS Family Law

Reform and Domestic Violence Project (FLDV), the Child Protection and Adoption Act (2010) as well as the Juvenile Justice Act (2012) have been passed in Parliament.

43. Grenada has sought support to address the development of organizational structure to support the operation of the Bacolet Juvenile Rehabilitation Centre. This facility is under construction and is expected to open in 2015.

44. This facility is expected to go a long way in ensuring effective service delivery to young people in conflict with the law, as well strengthening the overall systemic response to juvenile justice.

45. Grenada has also revisited the minimum age of criminal responsibility which has been raised to 12, with proviso in the Criminal Code that the Court can consider level of maturity of the child.

46. The Juvenile Justice Program is being advanced with programmes for diversion, rehabilitation, reintegration, etc. different from the Criminal Justice System. There are diversion programmes (psycho-educational) already in effect.

47. The Rehabilitation Center staff will be identified and trained by 1st Quarter of 2015.

Human trafficking

48. Grenada has since passed in Parliament, ***The Prevention of Trafficking in Person Act 34 of 2014***; to come into force on a date to be appointed by the Minister by notice published in the Gazette. This is an Act to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000; to combat the trafficking of persons within and across the borders of Grenada; to provide for the offence of trafficking in persons and other offences associated with trafficking of persons; to provide measures to protect and support trafficked persons and for incidental and connected purposes.

V. Challenges and constraints in the implementation of recommendations and initiatives that the State has undertaken to overcome those challenges and constraints

49. The National Coordinating Committee for Human Rights (NCCHR) was established in 2012 and includes the Grenada Bar Association, trade unions, non-government organisations and the Conference of Churches. Grenada believes that there needs to be deeper and systematic engagement with civil society. This can help eliminate duplication of efforts on issues particularly those of a social nature and prevent wastage of resources. The ongoing Constitutional Review process provides an avenue for discussions about the establishment of a National Human Rights Institution which should create the mechanism for increased systematic engagements with civil society in implementing recommendations from the UPR.

50. The NCCHR believes that an important stakeholder in the implementing process is general populace. The impact of creating awareness of the UPR process, the recommendations received from the working group is crucial if human rights initiatives are to succeed. Financial constraints inhibited the NCCHR's ability to launch an effective public education campaign about the UPR, its benefits and implications for the state of Grenada.

VI. Technical assistance needed

Women and girls rights

51. Implementation of the National Gender Equality Policy and Action Plan:

(a) Formation of the National Gender Equality Commission;

(b) Training for Policy makers (including Cabinet), technical officers and senior managers in gender equality budgeting and gender mainstreaming;

(c) Establishing a gender monitoring system;

(d) Continued legislative reform.

52. Development of programmes for diversion and prevention of offending behavior in juveniles, and for after-care and reintegration.

53. Formation of a Human Rights Commission to oversee implementation of human rights provisions, enforces them, and receives and acts on complaints/violations. The Commission should have Commissioners assigned to difference target groups or sets of rights.

54. Development of a system that allows Ministries and Government entities to act together.

Health

55. Responding adequately to the needs of the population. The core functions of Equity and Health as a human right I, already a value of the Government of Grenada. There now needs to be functional, structural and systemic elements that guarantee universal coverage and access to services that are acceptable to the population and that are emphasized health promotion and prevention and assures first contact care.

56. This health system requires a sound legal, institutional and organizational foundation as well as adequate and sustainable human, financial and technological resources colluding with optimum organizational and management practices at all levels to achieve quality efficiency and effectiveness. In achieving this level of Primary Health care, strengthening the following gaps.

57. **Appropriate Human Resource**: There is need for training a cadre of staff with the right knowledge and the necessary skill mix to offer care within acceptable cultural and ethical standards. There is also need for Counselors, Family practitioners, substance abuse workers, health promotion officers with added competence of community organization.

58. **Adequate and Sustainable Resource**: Adequate health facility is critical for delivery of health services. Offering integrated care and overnight observational facility, requires adequate physical space within the health facilities. Adequate technology-basic lab investigation and emergency medical equipment.

59. **Optimum Management and Organizational System**: Technical support to rationalizing existing health facility to consolidate present human and material resources by scaling up services at the main health centers of implementing the virtual poly clinic concept. Community involvement and participation by operationalizing the District Wellness Counsels and support for the organization of Primary Health Care Teams.

VII. Conclusion

60. Grenada continues its pursuit to meet most of the commitments it made to the UNHRC in 2010. Grenada is committed to the promotion and protection of human rights and fundamental freedoms of humanity and continues to undertake measures, particularly through legislative reform, to reflect that commitment.

61. Grenada is cognisant that capacity and resource constraints continue to impede its ability to more effectively and efficiently implement many of its initiatives and programmes aimed at improving the livelihood of its citizens and those who visit or reside on our shores.

62. In the face of the many challenges that we face economic, financial and otherwise, Grenada looks forward to continued partnership with the international community in the protection and promotion of human rights through the strengthening of human rights mechanisms in the national, regional and international fora.